

Civil Action No. 1:22-cv-100

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* Scott Bailey
 was received by me on *(date)* March 23, 2022 .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

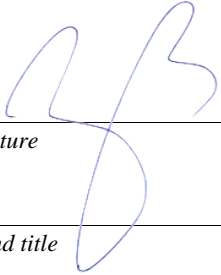
☐ I returned the summons unexecuted because _____ ; or

☒ *Other (specify):* I placed in the United States mail on May 20, 2022, via certified mail, return receipt requested, a copy of the Summons, Important Notice & Complaint to the FBI office in Chelsea, MA, the clerk of the United States Attorney's office-NH in Concord, NH and to the Attorney General of the United States in Washington, D.C. Attached is proof of service to each organization.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: June 16, 2022



Server's signature

Jared Bedrick, attorney for Plaintiff

Printed name and title

Champions Law
 170 West Road
 Portsmouth, NH 03801

Server's address

Additional information regarding attempted service, etc:

Print

Save As...

Reset

7022 0410 0000 7900 8666

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Concord, NH 03301

OFFICIAL USE

Certified Mail Fee	\$3.75
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.78
Total Postage and Fees	\$4.53

Sent To _____

Street and Apt. No., or PO Box No. _____

City, State, ZIP+4® _____

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

0801 15
 PORTSMOUTH NH 03801
 Postmark Here
 MAY 20 2022
 05/20/2022
 USPS

7022 0410 0000 7900 8642

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Chelsea, MA 02150

OFFICIAL USE

Certified Mail Fee	\$3.75
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.78
Total Postage and Fees	\$4.53

Sent To _____

Street and Apt. No., or PO Box No. _____

City, State, ZIP+4® _____

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

0801 15
 PORTSMOUTH NH 03801
 Postmark Here
 MAY 20 2022
 05/20/2022
 USPS

7022 0410 0000 7900 8659

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Washington, DC 20530

OFFICIAL USE

Certified Mail Fee	\$3.75
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.78
Total Postage and Fees	\$4.53

Sent To _____

Street and Apt. No., or PO Box No. _____

City, State, ZIP+4® _____

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

0801 15
 PORTSMOUTH NH 03801
 Postmark Here
 MAY 20 2022
 05/20/2022
 USPS

Track Another Package +

Tracking Number: 70220410000079008642

Remove X

Your item was delivered to an individual at the address at 11:25 am on May 23, 2022 in CHELSEA, MA 02150.

USPS Tracking Plus® Available ∨

✓ Delivered, Left with Individual

May 23, 2022 at 11:25 am
CHELSEA, MA 02150

Feedback

Get Updates ∨

- Text & Email Updates

∨
- Tracking History

∨
- USPS Tracking Plus®

∨
- Product Information

∨

See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs

Feedback

Track Another Package +

Tracking Number: 70220410000079008666

Remove X

Your item was delivered to the front desk, reception area, or mail room at 10:32 am on May 23, 2022 in CONCORD, NH 03301.

USPS Tracking Plus® Available ∨

✓ Delivered, Front Desk/Reception/Mail Room

May 23, 2022 at 10:32 am
CONCORD, NH 03301

Feedback

Get Updates ∨

- Text & Email Updates ∨
- Tracking History ∨
- USPS Tracking Plus® ∨
- Product Information ∨

See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs

Feedback

Track Another Package +

Tracking Number: 70220410000079008659

Remove X

Your item was picked up at a postal facility at 4:56 am on May 26, 2022 in WASHINGTON, DC 20530.

USPS Tracking Plus® Available ∨

✓ Delivered, Individual Picked Up at Postal Facility

May 26, 2022 at 4:56 am
WASHINGTON, DC 20530

Feedback

Get Updates ∨

- Text & Email Updates ∨
- Tracking History ∨
- USPS Tracking Plus® ∨
- Product Information ∨

See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs

Feedback

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of New Hampshire

SHIRE FREE CHURCH MONADNOCK
and IAN FREEMAN

Plaintiff(s)

v.

SCOTT BAILEY, in his official capacity as Special
Agent of the Federal Bureau of Investigation

Defendant(s)

Civil Action No. 1:22-cv-100

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* SCOTT BAILEY
FBI Boston Field Office
201 Maple Street
Chelsea, MA 02150

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Jared Bedrick
Champions Law
170 West Road, Suite 6D
Portsmouth, NH 03801

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

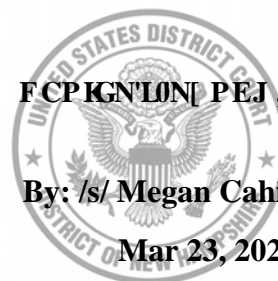
CLERK OF COURT

Date: 03/23/2022
with ECF Notice attached.

FCPKGN10N[PEJ, Clerk

By: /s/ Megan Cahill, Deputy Clerk

Mar 23, 2022



**U.S. DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

IMPORTANT NOTICE

ATTORNEYS REQUIRED TO FILE ELECTRONICALLY

Unless specifically exempted, all documents submitted by members of the bar of this district, as well by attorneys admitted pro hac vice, shall be filed in accordance with the district's Administrative Procedures for Electronic Case Filing ("ECF"). For attorneys, that means that while some limited documents will still be filed in paper format, the vast majority of all future pleadings must be submitted electronically using the court's Electronic Case Filing (ECF) system (including cases involving pro se parties). Pro se litigants, however, are not required to file electronically and may continue to file documents in paper format.

The District of New Hampshire is a NextGen CM/ECF court, which means attorneys use their individual PACER accounts to file documents in this district. Section 6.1 of the Administrative Procedures for ECF requires that attorneys appearing in an ECF case must request access to the court's ECF system through PACER. However, attorneys who filed in this district prior to November 12, 2019 must instead link their individual PACER account with their legacy ECF account.

For more information on NextGen CM/ECF visit the court's website.

NOTICE TO PLAINTIFF: You are instructed to serve a copy of this notice on all parties in this case along with the complaint.

DANIEL J. LYNCH
Clerk

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

SHIRE FREE CHURCH MONADNOCK,
IAN FREEMAN,

Plaintiffs,

v.

Docket No.: 1:22-cv-100

SCOTT BAILEY, in his official capacity as
Special Agent of the Federal Bureau of
Investigation,

Defendant,

COMPLAINT

NOW COME your Plaintiffs, Free Shire Church Monadnock and Ian Freeman, by and through counsel, who complain against Defendant Scott Bailey as follows:

1. In 2016, agents of the federal government raided the Free Shire Church Monadnock and seized its computers, camcorders, and other items capable of storing digital data. After six years, the sum total of the government's efforts is *nothing*. Not a single criminal or civil action related to the seized property was

ever instituted. Now the owners of the property, the Shire Free Church Monadnock and its chairman, Ian Freeman, seek to finally recover what's theirs.

Parties and Standing

2. Plaintiff Shire Free Church Monadnock (the "Church") is a domestic nonprofit corporation registered with the State of New Hampshire. It has a principal office address of 73 & 75 Leverett Street in Keene, NH (the "Searched Premises") for which it holds legal title. At all relevant times, the Church maintains a possessory interest in the property found within the Searched Premises and seized by the Defendant as further explained below.

3. Plaintiff Ian Freeman ("Freeman") is the Chairman of the Board of Directors that governs the Church.

4. Defendant Scott Bailey ("Bailey") is and was at all relevant times a Special Agent with the Federal Bureau of Investigation ("FBI"). Bailey is subject to suit in his official capacity as the Plaintiff seeks prospective injunctive relief.

Jurisdiction

5. Both Counts in this suit invoke the Court's federal question jurisdiction under 28 U.S.C. § 1331 as they allege "civil actions arising under the Constitution[or] laws... of the United States."

6. Further Jurisdiction for Count I, *infra*, arises under 28 U.S.C. § 1356 as it relates to a “seizure under any law of the United States on land or upon waters not within admiralty and maritime jurisdiction....”

7. Further Jurisdiction for Count II, *infra*, arises under 28 U.S.C. § 1346(a)(2) as this is a “civil action or claim against the United States, not exceeding \$10,000 in amount, founded ... upon the Constitution”

Facts

8. On February 20, 2015, U.S. Magistrate Judge Theresa Buchanan of the Eastern District of Virginia issued a search warrant authorizing the use of a network investigative technique (“NIT”) to be deployed on a computer server operating on the “Tor” network that was housed in a government facility in the Eastern District of Virginia. The NIT aimed to capture information from various “activating” computers in other jurisdictions.

9. At that time, Rule 41 did not authorize warrants to seize property outside of a judicial officer’s geographical district.

10. On March 18, 2016, U.S. Magistrate Judge Daniel Lynch of the District of New Hampshire issued a search warrant authorizing a search of the Searched Premises, 73 Leverett Street in Keene, New Hampshire, and the seizure of its

contents, including computers, digital storage, and related records. This warrant was invalid insofar as it was based, in material part, on information gathered using the NIT from the February 20 warrant.

11. On March 20, 2016 Defendant Bailey executed the invalid warrant at the Searched Premises and seized, *inter alia*: hard drives, hard drive enclosures, thumb drives, memory cards, camcorders, cell phones, desktop computers, and laptop computers. The items are listed in the attached warrant return. *See* Exhibit 1.

12. The seized items were critical to the Plaintiffs' media efforts as they enabled the recording and storage of the Plaintiffs' programming. Some of the hard drives, for example, contain some of the only copies of archived radio broadcasts.

13. The FBI continues to possess the items despite the lack of any continuing investigation. No criminal proceeding has been instituted that relates to the property at issue. No government agency has instituted any civil or criminal proceedings seeking forfeiture of the items listed above. Thus, the FBI's continued possession of the items lacks any justification.

Count I - Return of Property

14. The preceding paragraphs are hereby incorporated in this Count as if set forth at length.

15. Rule 41(g) of the Federal Rules of Criminal Procedure permits a “person aggrieved by an unlawful search and seizure of property or by the deprivation of property” to move for the property’s return. Where, as here, the property is not related to any criminal action, Rule 41 merely codifies the Plaintiff’s equitable interest in the property’s return.

16. The Church is and has been the owner of the Searched Premises and its contents. Freeman, as chairman of the Church has a fiduciary responsibility to safeguard its property. Each is “aggrieved” by the FBI’s seizure and continued possession of their belongings.

17. The property should be returned as the seizure was unlawful. The FBI seized the property under the auspices of a warrant that was meaningfully supported by information gathered in reliance of a separate warrant that exceeded its permissible scope.

18. Nonetheless, the right to seek return of property applies to legally, as well as to illegally, seized property. *See Government of the Virgin Islands v. Edwards,*

903 F.2d 267, 273 (3d Cir. 1990) ("Under [a] 1989 amendment, Rule 41(e) is no longer limited to property held following an unlawful search or seizure"). As the FBI no longer has an interest in the property, its continued possession deprives the Plaintiffs' the monetary value of each item, as well the irreplaceable intrinsic value of the data stored within those items that can store it.

Count II - Deprivation of Rights Protected by the U.S. Constitution

19. The preceding paragraphs are hereby incorporated in this Count as if set forth at length.

20. At all times Scott Bailey and the FBI acted under the color of its authority provided by Federal law.

21. Scott Bailey and the FBI gained possession over the Plaintiffs' property by virtue of a defective warrant.

22. The execution of a deficient warrant and continued possession of its fruits constitutes an unreasonable seizure of effects in violation of the Fourth Amendment to the United States Constitution that continues until the FBI returns the items.

WHEREFORE, your Plaintiffs pray this this Honorable Court will:

- A. ORDER the Defendant to return the property listed in Exhibit 1;
- B. AWARD the Plaintiffs their attorney's fees and costs to the extent authorized by 28 U.S.C. § 2412 or any other source; and
- C. Grant such other and further relief as may be just and equitable.

Respectfully submitted,

SHIRE FREE CHURCH MONADNOCK
IAN FREEMAN
through counsel

Dated: 3/19/22

/s/ Jared Bedrick, # 20438
CHAMPIONS LAW
170 West Road, Suite 6D
Portsmouth, NH 03801
(603) 436-8100
jared@champions.law

**UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized**

File # _____

On (date) March 20, 2016

item(s) listed below were:

- ☐ Received From
☐ Returned To
☐ Released To
☒ Seized

(Name) bn Bernard(Street Address) 73 Lovell St.(City) Kennebunk, NH

Description of Item(s): _____

Samsung Model SCH-I545V-256GB 1520103618113Sony 8MB memory card (Black)Sony clear memory cardImg Doc 03524694Img Doc 14129962Img Doc 14125365Asus hard drive SN LXR402210109497921601WD My Passport s/N WXB6EL2YEU52Adapte thumb driveSony Camcorder s/N 1179002Sony hard drive s/N W1E42N65Samsung Galaxy s/N 990004354791141Hard drive, New TreatLG phone s/N 4111XFT9SW7Lenovo Nidebank s/N PL00A7A9Dell laptop s/N 6SKM6V1NXT black computer towerHP Computer SN CNX939135PEverson - bills, Chesapeake Oil Co. billReceived By: [Signature]
(Signature)Received From: _____
(Signature)

**UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized**

File # _____

On (date) March 20, 2016

item(s) listed below were:

☐ Received From

☐ Returned To

Released To

☒ Seized

(Name) Les Bevard

(Street Address) 73 Levington St.

(City) Keene, NH

Description of Item(s): _____

Survivor Flash

Black Thimbdrive

black thumb disease

D. 1020 / 96B Five

Longpoint thumb drive

Canon Vixia HF10 AVCHD

32 LB Townsend DHC

64 GB Tiered SDHC

C1201 64DE 64LB 15B

~~For 12506P, hard drives - WLATIES6329 - WLATIES050659 - WLATIEC-17535 - WLATIE-619546~~

Two 150 GB hard drive WXDO03971033-WCUCAT12144

Canon Vixia HF100

HD + SDHC w/ ba Hing

Black (a little) with more DVDs / CDs

3663 WD hard drive

John B. Sargent HD

HP Laptop S/N: CNE1091WPX

Pineapple Caramel Sauce

P. A. Newland

Received By: _____
(Signature)

Received From: _____
(Signature)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

File # _____

On (date) March 20, 2016

item(s) listed below were:

- ☐ Received From
☐ Returned To
☐ Released To
☒ Seized

(Name) Jan Zarrud(Street Address) 73 Lovell St.(City) Yemassee, NH

Description of Item(s): _____

Samsung SSD-120GB SPIN S105NSB63024892 External hard drives, 1 Toshiba, 1 OricoCustom desktopCase It CD/DVD case w/associated DVDsCustom rackUSB Safenet Sentinel attached to back of server2GB Sanica SentinelAsus desktop customReceived By: [Signature]
(Signature)Received From: _____
(Signature)